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Christine Sherwood
Signature

Applicant : Rolf Bucker, et al.
Application No. : 09/719,411
Filed : December 11, 2000
Title : DEVICE FOR CONNECTING AN EXTERIOR HANDLE TO A CLOSING SYSTEM
Grp./Div. : 3634
Examiner : To be assigned
Docket No. : 40868/DBP/M521

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SUBMISSION OF TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
August 14, 2001

Commissioner:

Enclosed is an English translation of the International Preliminary Examination Report for International Application No. PCT/DE 99/01696.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By

Mark Garscia
Mark Garscia
Reg. No. 31,953
626/795-9900

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

27

Applicant's or agent's file reference BRO 539 WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/DE99/01696	International filing date (day/month/year) 04 June 1999 (04.06.99)	Priority date (day/month/year) 11 June 1998 (11.06.98)
International Patent Classification (IPC) or national classification and IPC E05B 7/00		
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Applicant BROSE FAHRZEUGTEILE GMBH & CO. KG, COBURG	AUG 23 2001	
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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 28 December 1999 (28.12.99)	Date of completion of this report 26 July 2000 (26.07.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE99/01696

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

the international application as originally filed.

the description, pages 2, 4-14, as originally filed,
 pages _____, filed with the demand,
 pages 1, 3, filed with the letter of 26 June 2000 (26.06.2000),
 pages _____, filed with the letter of _____

the claims, Nos. _____, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 1-12, filed with the letter of 26 June 2000 (26.06.2000),
 Nos. _____, filed with the letter of _____

the drawings, sheets/fig 1/8-8/8, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____

2. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/fig _____

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3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

See separate sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 99/01696

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Page 3 from 26 June 2000 was incorrectly labeled as page 2 (see page 1 from the letter from 26 June 2000).



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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-12 YES

Claims NO

Inventive step (IS)

Claims 1-12 YES

Claims NO

Industrial applicability (IA)

Claims 1-12 YES

Claims NO

2. Citations and explanations

DE-A1-19 619 869 (D1) is regarded as the closest prior art.

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1.1 D1 describes a device for opening vehicle door wings.

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1.2 The **problem** to be solved by the invention is that of creating a device for opening vehicle door wings that is an alternative to the devices in the prior art and that can be produced in an easy and cost-effective manner and assembled with little effort.

1.3 The **solution** consists in displaceably mounting one end of connecting element (40, 45) is displaceably on an insert that can be inserted from the outer surface side and is fixed with respect to the outer surface. Said displaceable mount on an insert is not described in D1.

1.4 This combination of features contained in Claim 1 is neither known from nor suggested by the relevant prior art. Therefore the subject of Claim 1 is novel and inventive (PCT Article 33(2) and (3)).

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2. Because Claims **2** to **12** are dependent on Claim **1**, their subject matter is also novel and inventive.
3. The subject matter of Claims **1** to **12** is industrially applicable (PCT Article 33(4)).

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INTERNATIONAL PRELIMINARY EXAMINATION REPORTInternational application No.
PCT/DE 99/01696**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

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2.1 Pages 1 to 3 of the description

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The amendments from 26 June 2000 were not done correctly:
pages 1 to 3 do not properly follow one another.

Page 3 from 26 June 2000 was incorrectly labeled as page 2. The end of page 1 does not make the correct transition to the beginning of page 2, and the end of page 2 is printed again at the beginning of page 3. Further, the last paragraph on page 3 of the request from 31 August 1999 is not included on page 3 of the amendments from 26 June 2000.

2.2 The two-part form of Claim 1

Although Claim 1 is written in two-part form, the feature that "the outer handle has a holder that is connected in a mutually entrainable manner to a connecting element that is insertable from the outer surface side" has been placed in the characterizing portion, which is incorrect because said feature was disclosed in D1 (see below) in conjunction with the features indicated in the preamble (PCT Rule 6.3(b)).

D1 describes (the reference signs pertain to D1) a device according to the preamble of Claim 1, wherein the outer handle (8) has a holder (11) that is connected in a mutually entrainable manner to a connecting element (6) that is insertable from the outer surface side (see description, column 1, line 54 to column 2, line 22; Figure 4).



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VII. Certain defects in the international application**2.3 Prior art citation**

Contrary to the requirements of PCT Rule 5.1. (a) (ii), the description fails to cite the prior art (resulting from the defects mentioned in point 2.1 of the present report). The relevant prior art indicated in D1 is not cited in the description.



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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

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The preamble of Claim 1 states " a device...having an outer handle that is **arranged** on the outer surface of a vehicle and to which elastic force is **applied**, and having a closing system that is **attached** in an interior space within the vehicle body".

The use of the words "arranged", "attached" and "applied" makes it unclear (PCT Article 6) that the outer surface and the vehicle body area are not part of the claimed device. The imprecise words have not been replaced by the clearer terms "can be arranged", "can be applied" and "attachable".

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